G. R S. 59]

GENERAL AND REVENUE SECRETARIAT.

1909.
(Mugrai)

File No. 378 - 09

Serial Nos. 1 to 11

Papers Filed.

Month December 1910

SUBJECT.

Appeal of Kutagal Gowda of Subbihalli village, Channarayapatna taluk held by the owners of the Sri Devaru temple of the

PREVIOUS REFERENCES

LATER REFERENCES

Mur 456-10.
Mun 101-10-34
435 27 Feb 14

G.R.S. 11] 1909.

GENERAL AND REVENUE SECRETARIAT.

(Mysore)

NOTES.

File No. 378-09

FILE HEADING.

Petition from Kutakal Gowda, Pejavara of Beeredevaru temple, Settihalli Village, Channapatna Taluk, appealing against the Dy Commr's order directing that the temple key and Kuchakolu may be restored to the Pujaries Chikka Boddiah and others

From

Kutakal Gowda.

~~No.~~ Petition Dated 30-12-09 Received

Diary No. 1210	Enclos. -	Spare Copies -	Serial No. 1

BRIEF ABSTRACT OF LETTER.

States that under the authority of the Mutt of Bharanama Samvatsara, the management of the temple vests with him and produces Kararu executed by the Pujaries agreeing to work under the orders of Thimme Gowda and others

NOTES AND ORDERS.

Sl. 2 From, Chikka Boddiah,

Petition dy 4-1-1910

Prays that no order adverse to him may be passed on the petition of the opponent and also prays that the State quo may be

NOTES—First sheet

GPB—30,000—3-4-07

Serial No.

maintained regarding the possessi of the Key and the Kuchakolu

Submitted-

A.G. 5/1/1910 Kuttugal Gowda's representation is that the temple is a Non-Muzrai institution not being endowed either with cash or land inam & that therefore the interference of Govt. in the matter of the custody of the temple Key & Kuchakolu is illegal. He prays that the D.C.'s orders may be cancelled & the parties left to settle their claims if any in proper Courts.

Chikkaboddaiah on the other hand prays that no orders adverse to him may be passed.

Draft orders by 5/1/10

Submitted to Hd. Asst. Commissioner

This is an appeal against the order of the Dy. Commr. Bangalore District directing that the Key of the Beere Devaru Temple at Devarahalli should be made over by Kuttukalee Gowda to Chikka Boddaya Both parties admit that this is a non-Muzrai institution. From the second petition it is clear that in accordance with the Asst. Commr.'s order the key was first made over to Kuttukalee Gowda.

BPG—55,000—27-4-09

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This order seems to have been reviewed and cancelled Mr Kotakotti Gowda's regd the Dy Com^r had kindly ordered in abeyance and at Chikka Baddayya's regd modified his own order by directing that status quo only with Chikka Baddayya before the dispute arose should be maintained pending a regular enquiry into the case Kotakotti Gowda wants this to be set aside Chikka Baddayya objects this application the Dy Com^r's order has not yet been given effect to. Kotakotti Gowda wants the same to be kept in abeyance. This may be done and the Dy Com^r asked to report why he interfered in this case of a non-Mysore Institution. As it is he has no doubt jurisdiction to close the dispute if ultimately this proves expedient

Illegible

28/1.

1/1/1910

2503

The order may be kept in abeyance till this ref^n is disposed of. Send for records & call the two parties to abide hear before me on a date (to be fixed).

Gus

Draft submitted 6/1/10

6/1/10

8/1/1910

BPG—55,000—27-1-09

NOTE—Contn. sheet.

G. R. S. 12]
General and Revenue Secretariat.

Mug File No. 378 of 1909

Serial No.	
3.	To, the Dy Commr, Bangalore Dist O M no 1684 Dt/10 1 10. Forwards petition of Kodagal Gowda and directs that the Dy Commrs order may be kept in abeyance pending the disposal of the appeal. To, Kodagala Gowda Endt no. 1685 Dt/10 1.10. Communicates the substance of the above order To, Chickka Boodiah, No 1686 Dt/10 1.10 Forwards copy of the above endorsement.
4.	From, Kempa Heggade, Devanhelly. Petition Dt/ 17.1.10 Prays that the execution of the ad-interim order may be stayed and that the temple key and the Kushakole in his opponents' possession may be given to him and his co-pujaris. The petition has been received with the under-mentioned order of the Cr:- "Early with records" Submitted for orders, ~~with the note~~ MN 3/2.10

NOTE—Contn. sheet.

BPG—55,000—27-4-09

G. R. S. 12]
General and Revenue Secretariat.

Nuzg File No. 398 of 1907

Serial No. 5

From, Kempa and Chikka Doddiah
Petition Dt 3-2-10
Same as Sl 4.

The petition is received with the following order of the IInd Cr.
" Nuzmar, please note early & expedite disposal please"
Submitted for orders H.C.Bowden.
BV 5-2-10 HL 7-2-10 A reminder has been received this day
357 GS 7/Mar
Await report & records.
If the last petrs turn up again, the file may be sent to me.
12/2/10
Read submd 12/2/10 Lew GS 21/2/10

6 From, The Villagers of Mallur Hobli, Channapatna Tq.
Petition Dt 17 2 10
Represent that the Kurubars are the devotees of Beere Devaru and that the management vests in their Community and Complain that worship has stopped since the Teine when "Key" and "Kuchakole" were given to Kunkalu Gowda and pray for early orders.
Submitted for orders. Remdr to M Cor
BV 8-3-10 HL A GS 10/3/1910

NOTE—Contn sheet

GPB—55,000—27-4-09

G.R.S. 12]
General and Revenue
Secretariat.

2245

Mmg File No. 328 of 1909

Serial No.

Submitted with a Reminder,
AU 11.3.1910 Issue the Reminder
HG

7. From, the Dy. Commr, Bangalore Dist
Letter no. 52 dy 2.6.1910
Reports with records on the
Subject.

Paper under disposal

The Dy commrs. report gives a clear account of the facts of the case

This cases relates to the dispute between the Vakkaligars and Heggadas regarding the possession of the Key and Kochagolu of the Beere Devaru temple in the Devanahalli Village of the Channapatna Taluk

This dispute had cropped up before the local authorities in the year 1896-7 and it is reported that the records are missing From an extract of the Amildar's report no 388 dy 8th Feby 1897 received with the records, it will be observed that the then Amildar after personal inspection having apprehended a breach of the peace, the temple doors were locked and after some enquiry, the contending parties were referred

Mag 9)

NOTE—Contn. sheet.

GPB—55,000—27.4.09

Serial No.

to civil courts to establish their hak

In march 1909, Kootagal Gowda of Lettihalli and Kootagal Gowda alias Ramay Gowda of Hattigeere

May 3) petrs the Sub Dist officer praying that the key and Koochagolu in the possession of their opponents (Pujaries) might be handed over to them

The Amildar after enquiry

May 4) having suggested that as the strength of the documents produced the petrs' prayer might be complied granted, the

May 4) Sub. Dist officer ordered that the key might be given to the petrs as there was no hitch in the matter

Chickkodiah and Kempa Haggadey

May 21) Thereupon represented to the Sub Dist officer that the temple in question was a non-hereditary institution, that the Vakkaliga people had filed a suit in the Additional Munsiffs' Court in 1903 against the Heggadey people for the possession of temple keys, but the suit was dismissed in the preliminary stage and that instead of seeking redress in the Sub Judge's court, they had resorted to

NOTE—Contn sheet.

3PB—55,000—27 4 09

Serial No.

Revenue court and prayed for a review of the above order.

On this, the sub divl officer passed a second order directing that the keys should not be handed over until all parties agreed or his final decision was passed and that if necessary his previous order might be kept in abeyance.

7(a) (b)

Thereupon both parties approached the Dy. Commr. As it was found that the keys were originally in the possession of Pujaris, the Dy. Commr issued an ad-interim order directing that the key and Kootagolu should be given to them pending final disposal of the case.

7(c)

Kootagal Gowda has appealed to Govt against this order.

7(a) (b)

The Dy. Commr gives it as his opinion that as this is not a Huzurai instn, the parties may be left to themselves to establish their respective claims to the temple keys etc. in a competent civil court and adds that the interference of the Revl. authorities does not seem to be called for except when

Papers under disposal

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G. R. S. 12]
General and Revenue Secretariat.

Hemz File No. 398 of 1909

Serial No.

there is any likelihood of the breach of the peace,

On the appeal-petition of Kodaya Gowda, the Councillor has ordered as follows: —

"... Send for records and tell the two parties to appear before me on a date (to be fixed)

Submitted for orders
AV 28/6/10 RG

(vide page 3 of this Minute)

The case after all appears to be simple. On account of disputes among the Pujaris the Amildar in 1897 got the Temple locked and took the Key from the Vakkaligas who had it till then. Later on after looking into the documents produced by the parties he referred them to a Civil Court (the Temple not being a Mysore Inam) and made over the Key to the Pujaris so that Puja might go on. (Vide Slip Q).

Later on the Vakkaligas seem to have filed a suit in the Bangalore Additional Munsiff's Court. The suit seems to have been dismissed the Mtts being referred to a higher Court.

In March 1909 both Kodaya Gowda and another applied for the Key. Apparently the Civil Courts must have been going on smoothly. The Amildar submitted a report of which does not disclose as how all the facts referred to above. The Sub-Divisional officer ordered that the Key should be made over to

NOTE—Contn sheet.

B—55,000—27-4-09

G. R. S. 12]
General and Revenue Secretariat.

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Serial No.

fact. This order appears to have been executed also. The opposite party then complained disturbing the facts. The Sub-Division officer countermanded his first order. An appeal was preferred to the Dt. Court and further orders have been passed.

The Dt. Court admits that there is no reason for the Rev. Dept. to interfere.

The facts being what they are, no doubt it is equitable that the Key should remain with the Punjabis and not with pot-Kuttukal people. Perhaps the Sub-Divisional officer would have passed a similar order had he known all the facts.

The question now is whether we are to interfere or not. Had the Sub-Division officer's order not been executed he might have set it aside. It has been executed. I do not know of all this stage we need interfere, set aside that order, restore the Key to the Punjabis and refer the parties to a Civil Court. As the matter is one to be settled by a Civil Court we may once for all say so.

If this case is to be heard it will also be posted to the 14th or 15th, the 14th preferably as it is not a Thursday Court day.

Submitted to Secretariat

29/6/1910

104 An order may be passed that the ~~parties~~ Punjabis may be ~~by~~ Revy Dept. will not interfere

NOTE—Contn. sheet.

GPB—55,000—27-4-09

Serial No.

and that the dispute is not within the Cognisance of the Civil Courts—

30/6/10

Submits with draft order.

9/7/10 9.7.10 12/7/1910

8 To, The Dy Commr, Bangalore Dist and the Dy Commrs of other Dists.

: G O No 366 P/ dy 30 / 6 / 10

Declines to interfere in the matter, as the temple is a non hereditary institution and observes that such disputes are within the Cognizance of Civil Courts

9-7-10 Ind- No 374 & 30.7.10 & Rect. fr. ...

From, Chikka Gowda and another

Petition dy No 999 dy 2 12 10

Pray that the above order may be reviewed by directing Mukhri Gr. to hand over the key & kuchaki to them

The revision petition is in English Submitted for orders. The dispute re the Key M(B)28 & Kuchaki of Bredevaru Temple has 2-12-1910 been decided & the one within the

NOTE—Contn sheet

G. R. S. 12]
General and Revenue Secretariat.

File No. 2778 of 190 7

Serial No.

Cognizance of the civil courts (vide G.O. no 364-71/ mf 378.09-8 § 30 7 10)

8d 2(26) 2/12/10

Submitted to Hon'ble Commissioner

When Mr B Ramanna pressed the petitioners' case I asked them from the Division Court whether for the matter as for it had decided if I had jurisdiction for Civil Courts had any more / than the ~~more~~ cognizance of this kind which the aggrieved party had in this Court of Revenue for the time being in force and at the same time declared the objects to be the duty of restore this state of things, that existed prior to this (the other paras 10, 11 & 12 of this petition) unauthorized interference. I am not sure of my view is right. The Asst Collector's report is that the final proceedings did not take away from applicants whether the remedies remaining in the ~~gone~~ are for any other purpose which I have decided that of the petitioners

Commissioner

3/12/1910

P.S. The question of returning back the Papers (Mr Ramanna's Petition) to the Collector will be from this order is passed (vide para 10 above)

Collector of Dt.

3/12/1910

963. 3 Dt.

The order produced does not deal with any new prayer of the parties and is merely the last order of

Note—Contn sheet

GPB—55,000—27-4-09

G. R. S. 12]
General and Revenue Secretariat.

File No. 378 of 1909

Serial No.

Govt Communicated to Hon'ble. I cannot understand what else can be done in an appeal on this end Hon'ble. The Petn may be rejected on this ground.

5/12/10

By Interpreter as directed

8/12/1910

Dft. Govt submitted

AU(132) 7.12.10

2nd 12/12/1910

11 To - Chikkadodeah & Kempa

Govt. No 1606 of 20.12.10

Rejects the petn as there are no new grounds to interfere with the decision already passed.

To. The Hon'ble Bangalore Dist

No 1607 of 20.12.10

Forwards copy of the above in Contn of GL No 8.

To. Kuttakal Gowda

No 1608 of 20.12.10.

Forwards copy of the above

NOTE—Contn sheet

GPB—50,001—12 8 10

ಶ್ರೀ 1210

2

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5

4 6 9

D 1237

M-7.378-09-2

BEFORE THE GOVERNMENT OF H.H. THE MAHARAJA OF MYSORE,

Bangalore.

Petitioner .. .. Chikka Loddayya, Devarahally, Malur hobli, Channapatna Tq.

Opponent .. .. Kutakallu Gowda, Kathikere, Channapatna Taluk.

The petitioner begs to state that he hears that the opponent has put in a petition, praying -- therein that the order of the Deputy Commissioners, Bangalore District, which directed that the key and the Kucukolu of the Beeradevaru temple, at Devarahally, may be taken from the opponent and restored to the petitioner, may be kept in abeyance.

2. The temple in question belongs to the Kurubars, of whom the petitioner is one, and he is one of the Pujaries and Dharmakartas. The opponent has nothing whatever to do either with the management of the temple or with the puja. One Thimmegowda, a relation of the opponent, litigated in the civil court in the matter, but failed. So, he has set up the opponent to litigate on the revenue side. Besides, the temple in question is not a Muzrai institution.

3. The key and the Kuchakolu were always with the petitioner, but never with the opponent. The Sub-Divisional Officer of Closepet, without any enquiry, first ordered that they had to be taken from the petitioner and delivered to the opponent, and this was accordingly done. But on application by the petitioner,

that

that officer cancelled the above order and directed that the key and the Kuchakolu should again be handed over to the petitioner.

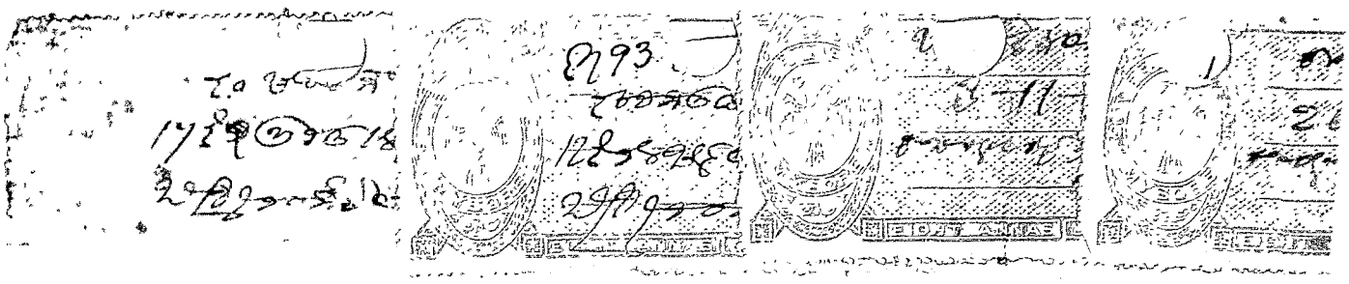
4. Thereupon the opponent, on application to the Deputy Commissioner, got an order that the second order of the Sub-Divisional Officer of Closepet -- should be kept in abeyance. Then the petitioner applied to the Deputy Commissioner for the cancellation of his first order and the restoration of the key and kuchakolu to the petitioner. That Officer made an order in his favour. After a long delay And the petitioner has put in the present application against the latter order.

5. There has been no enquiry whatever as to the right of the opponent to the possession of the key and the kuchukolu. If, after enquiry, it is found that he has such a right, they may be given over to him. To pass an interim order disturbing present possession is illegal and improper.

6. Moreover, the puja in the temple has ceased from the time the key and the kuchakolu were handed over to the opponent. The Dhanurmasam puja is celebrated in it rather on a grand scale, and it could now not be done. The opponent is evading the service of notice, requiring him to hand over the key and the kuchakolu.

The petitioner, therefore, prays that no order adverse to him may be passed on the petition of the opponent, and that the statu quo may be maintained, regarding the possession of the key and the kuchakolu, till a decision is arrived at after enquiry

Dated.
4th.



.....No.....of

Before the Government of H. H. the Maharaja of Mysore

In the Court of.....

at Bangalore

A. Hall Chickaboraiya

Vs.

Opponent: Kadakalagowda

I Chickaboraiya .....

the petitioner in the above petition

do hereby appoint B. RAMANNA, Esq., B. A., LL. B., High Court Vakil and Advocate.....

to conduct it for me and on my behalf, and to do all the acts and appearances necessary for the same.....

In witness whereof I have set my hand this.....

.....

Signature.

I certify that this Vakalatnama was signed in my presence and accept it

B Ramanna

Advocate.

2 Dec 1909 10

Muz. 3]

GOVT. OF H. H. THE MAHARAJA
OF MYSORE.

MUZRAI DEPARTMENT.

OFFICIAL MEMORANDUM.

No. 1684/378-09-3 Appeal 91-10

The accompanying Petition No. D 1210 378-09 1

dated 30th Dec 1909 received at this Office from Kootagal Gowda, manager of Beere Devaru temple in Devara halli in the Channapatna Taluk appealing against the order of the Dy Comr directing that the Key and Koorchegolu of the Beere Devaru temple should be made over by the Appellant ~~is forwarded, together with its~~ to Cheeka ~~enclosures, to the~~ Daddiah, is forwarded together with its 4 enclosures to the Dy Comr, Bangalore Dist for Enbn of the entire records connected with the case together with a detailed report thereon.

2- The order of the Dy Comr should be kept in abeyance till the final disposal of the Appeal by Government.

By Order,

Draft 8/1/1910

BANGALORE,
19 .

for Secretary,
~~Muzrai Department.~~

4.1.10.

Encls to Petrs.

No. 1685

Mu: 378-09-3

ಚಿಂಚಲಿ ಪಟ್ಟಣದ ಪೀರವರಹಳ್ಳಿಯ ಹಿರಿಯ
ಶಿಂಪಿಯವರಿಗೆ ಶಿಂಪಿಕಲೆ -

ಉಲ್ಲೇಖದಲ್ಲಿ -

ಪದವಿಶಾಲೆಯಲ್ಲಿ ಶಿಲ್ಪಕಲೆಯಲ್ಲಿ ಪೀರವರಪ್ಪನವರ
ಚಿತ್ರಗಳನ್ನು ಶಿಲ್ಪಗಳನ್ನು ಶಿಲ್ಪಕಲೆಯ ಪಠ್ಯಕ್ಕೆ ಸೇರಿಸುವ
ಕುರಿತಂತೆ ಅಭಿಪ್ರಾಯ ತಿಳಿಸಲು ಕೋರಿದ್ದು
ಸಂಬಂಧಪಟ್ಟ ಅಧಿಕಾರಿಗಳಿಂದ ಅಭಿಪ್ರಾಯ ಪಡೆದು
ಸಲ್ಲಿಸಲು ಸೂಚಿಸಿದೆ -

2- ಹಿಂದಿನ ಅಧಿಕಾರಿಗಳು ಅಭಿಪ್ರಾಯ ನೀಡಿ
ಸೇವೆಯಲ್ಲಿರುವುದರಿಂದ ಅವರಿಂದ ಅಭಿಪ್ರಾಯವನ್ನು
ಪಡೆಯಲು ಸಾಧ್ಯವಿಲ್ಲದಿರುವುದರಿಂದ ಶಿಲ್ಪಕಲೆಯ ಪಠ್ಯಕ್ಕೆ
ಸಂಬಂಧಪಟ್ಟಂತೆ ಅಭಿಪ್ರಾಯ ತಿಳಿಸಲು ಸೂಚಿಸಿದೆ
ಪ್ರಯುಕ್ತ ಅಭಿಪ್ರಾಯವನ್ನು ಕೋರಿದೆ.

Illegible

8/1/2010

P.T.O

for Secretary

Presented by the Vocalist

Music Dept.

Read with pleasure

17/1/10

603

12 - i 10

Reject

Cabinet note 17.1.

17/1/10

D 1355

Before the Hon. 3781 Dept-4

Petition of the Brahmanas of Mysore

Bangalore.

Petitioners: [illegible]

Representation

The petitioners humbly state that we the undersigned, Shastrikal, Vaidikas & Brahmanas of Mysore & the surrounding villages, and that the King and Immediate Temple have always with them. We learned Brahmanas in a petition in the Office of the Maharaja Officer at Bangalore to the effect that the Maharaja of Mysore will be pleased to grant us the Brahmanas entitled to have the daily optional Agnihotra. That petition is not yet disposed of and the right of the petitioners to the Brahmanas and the Agnihotra, which the petitioners desire, is not yet ascertained and decided in their favour in consequence.

2 In the meanwhile, the King and Maharaja of Mysore which were with the petitioners and the Co-brahmanas Shastrikal Vaidikas were taken from the Agnihotra of the temple a long time above,

delivered over to the claimant, thus enforcing the order in full and thus most ideal, civil [illegible] the case was pending. He will now in like manner [illegible] and, therefore, it is desirable that the act in seeking possession [illegible] from the [illegible] is a wrong, to and he have a right to that possession and therefore, the petitioner and his [illegible] and in obedience to the subdivisional officer at Closepet praying therein that the above interlocutory order might on reconsideration be cancelled and that the property and the handcuffs might be taken back from the claimant and handed over again to the petitioner. Short facts were stated to have led to the order in that behalf

3 Before the latter order could be given effect to, the claimant applied to the court of Sessions at Bangalore to revise the second order of the Subdivisional officer and to enforce his first order. That application was rejected and the second order of the subdivisional officer might be kept in abeyance. When the petitioner came to know of the above order he applied to the Taluk commissioner for the cancellation of that order. He sent for the records, and after perusing them, made an order to the effect that till the disposal of the [illegible] petition, the car and the handcuffs should remain with the petitioner and that, for the purpose they were to be taken back from the claimant and handed over to the petitioner.

4. Against the second order of the Tribunal dated 10th November 2014 the Attorney General in relation, and no order has been sought in the Statement that the enforcement of that order should be stayed, the petitioner's co-applicant in maintaining the Attorney General has no relation to the government stating therein he alone bears, and he has also given an undertaking to the Court that the second "Order" of the Tribunal dated 10th November has been stayed.

5. From the above paragraphs it will be seen that the Attorney has not been the law-abiding to me a right to possess the key and the machete the temple. Before a decision is arrived at to me my right he has had the benefit, on every hand, an enquiry would have to be set in his favour. The reasons that are in addition to the key and the machete were not a valid reason advanced by him. It is the law again pertinent that in a matter like this include such an application, since in the case the same cause of action.

6. The petitioner has not be connected to me a copy of the Attorney-Client Agreement with the Attorney General has not been, as in this matter to set the new trial in the Attorney. The letter in which the key machete in relation and the court to make the other Attorney in the letter

12-1-10

..... No..... of

Before the Govt of His Highness the
In the Court of Maharaja of Mysore

Bangalore

Petitioner
Kempahegade

opponent.

Vs. Kutakallegowda.

I Kempahegade

the Petitioner in the above Petition

do hereby appoint B. RAMANNA Esq., B. A., LL. B., High Court Vakil and Advocate

to conduct it for me and on my behalf, and to do all the acts and appearances necessary for the same

In witness whereof I have set my hand this ....

.....

Signature.

I certify that this Vakalatnama was signed in my presence and accept it

Ramanna
Advocate.

Please note early
Schedule disposal please
31/2/10

185
3 — 2 —
D 1468

Before the Government of ~~Karnataka~~ 378—09—5
the Kudumraja of Mysore, Mangalore

Refer
AL
Vs
31/2/10

Petitioners: 1. Krishna Heggade, Mangala
- varpete, Channapatna Taluk.
2. Shikhadalaya, Devanahally, Channa
-patna Taluk.

The petitioners beg to state that, in pursuance of the Kuchalakka and Key of the Beneficiaries Temple in Devanahally, they presented petitions praying for the delivery of the said Kuchalakka and key to them from one Kuttabalgowda to whom they were handed over. The 1st petitioner presented the petition in person through his advocate. The Government were pleased to say that orders would be passed after perusing previous records. No orders have as yet been passed, though a long time has elapsed.

2. In the meanwhile, copies of the orders passed in the subject matter in which were applied for. The copies of the orders were refused by the Subdivisional Officer & Assistant, but the Deputy Commissioner refused to grant the copies of the orders on the ground that they were not necessary.

3. The copies were applied in order to produce them before the Government to prove that the allegations made in their petitions were true. It will take long time before the report called for from the Deputy Commissioner is submitted to the Government. In order to obviate the delay which would be thus caused, the petitioners

to produce the copies. The orders passed. They have been frustrated in their attempt.

4. As already mentioned in the preceding paragraphs, the petitioners had the custody of the respondent and the key at the time when the detaining orders were passed, whereupon they were taken from the custody of the petitioners and delivered over to the possession of detaining authority. The petitioners are bound to put in an affidavit to this effect. On these facts it is a great hardship to the petitioners to deprive them of the custody of the handcuffs and key of the handcuffs, and consequently to demand them of the performance of the duty to their fiduciary god.

The petitioners, therefore, pray that early orders may be kindly passed on their petition so that the handcuffs and key may be restored to their custody. They further pray, that the Deputy Commissioner may be directed to grant them copies of the orders passed by him, as they are [illegible]

VII
3/6

R 24

1909-10.

Mus 7-378-09-7

From The Dy Commissioner
Bangalore District.

To The Secretary to the Govt
of Mysore
Genl & Rev Departments

Dated 1st
Despatched 2nd } June/10. Mazrai Branch.
Received

General No.
Mis. No 52
Enclosure No 1 file

Secy (Mazrai branch) No. 1684
M.7.378-09-3
dated the 10th January 1910.

Submits report with records in appeal petition from Rootagadi Sarda, Manager of Beere Devaru temple in Devarahalli village Chennapatna Taluk, appealing against the order of this Office directing that the Key and Roorchagolu of the Beere Devaru temple should be made over by the appellant to Chikka Doddaiah.

a Venkata Rao Assistant
Asst Comr
8/6/1910
8.6.10

9

ASNo 52

En file.

Office of the Deputy Commissioner, Bangalore District.

Dated at Bangalore, the 1st June 1910.

From

P. J. Kumara Swamy, Bar-at-Law, M.A.,

Deputy Commissioner, Bangalore District.

To

C. S. Tata Sundaram Aiyer, Avargal, B.A.,

Offg: Secy. to the Govt. of H.H. the Maharaja of Mysore,

Central and Revenue Departments,

Mulzrai Branch, Bangalore.

Sir,

With reference to your Office Memorandum No.1084/M.F. 378-09-3 dated the 10th January 1910, forwarding for report, the -- petition of Kootagal Gowda, manager of the Temple of Beeray Devaru in the Devarahalli Village of the Channapatna Taluk, appealing against the order of this Office, directing that the key and koochagolu of the said temple should be made over to Chikdoddiah, I have the honor to submit, herewith, the records connected with the case and to -- report as follows :-

1. The Temple of Beeray Devaru is not a Muzrai Institution.

2. In March 1909, Kootagal Gowda of Settihalli and Kootagal (illegible) Gowda Alias Ramay Gowda of Mattigere submitted a petition to the Sub Division Officer of Closepet stating that the temple in question was built by their ancestors who appointed two sets of poojaries viz., Somavara poojaries and Guruvara poojaries to perform poojas on Mondays and on Thursdays respectively, that they being Yajamans or managers of the temple reserved to themselves the right to keep the key and the koochagolu in their possession and give the same to the respective poojaries on their turn days ans get them back after the days pooja was over, that in 1897 the two poojaries having assaulted each other with Mettus (Shoes), their services were dispensed with as it was considered inexpedient to keep such polluted men in temple service and fresh men were appointed in their places, that upon this, the dismissed

ies complained to the Taluk Authorities that they themselves were

and that therefore the key and koochagolu should be with

them,

ther, that the Taluk Authorities, thereupon, obtained the key from the petitioners and delivered the same to the opponents with whom they were to remain pending the final decision in the matter and that when the petitioners subsequently requested the Amildar to return the key and koochagolu, they were told to effect a -- compromise.

3. As called for by the Sub-Division Officer, the Amildar reported that the Mahazar drawn up by the people of the neighbouring villages and the registered document executed in 1890 by Dodheggaday, one of the poojaries in favour of the petitioners clearly showed that the petitioners were entitled to have the key and koochagolu with them and that the two sets of poojaries had been often quarrelling with each other for the key and koochagolu, that though they said they had compromised, yet, there was the probability of falling out with one another and that he -- would therefore propose the key and koochagolu being delivered to the petitioners as per mamool.

4. The Sub-Division Officer ordered that the previous records of 1897 which contained the order of transfer of key and koochagolu from the petitioners to the poojaries must be traced and submitted and that pending final disposal on receipt of the records, the key should be given to the petitioners as it was stated that there was no hitch in the matter.

5. Upon the execution of the above order of the Sub-Division Officer, Chikdodiah and Kempa Heggaday both represented to the Sub-Division Officer, that the temple in question was not a Government one, that they, the Heggaday people, who built the temple were its sole managers, that the allegations made by -- Kootagal Gowda and others were false, that owing to some ill-feeling, the Vakkaliga Gowda people had filed a suit in the -- Additional Munsiff's Court in 1908 against the Heggaday people for the possession of the Temple keys etc., but that the suit was dismissed in the preliminary stage, that according to the -- order passed by the Munsiff, the Gowda people had to seek redress

in

in the Sub-Judge's Court, but that the latter instead of taking that course had tried to recover the kak through a Revenue Court and in the above circumstances, they prayed for a review of the original order.

Hag(C) 6. Then, the Sub-Division Officer passed a second order that the keys should not be handed over until all parties agree or his final decision was passed and that, if the Amildar considered it necessary, he might keep any order already passed in abeyance.

Hag(T) 7. Kootagal Gowda having appealed to this Office against the second order of the Sub-Division Officer, the Sub-Division Officer was requested to submit the records and to hold his second order in abeyance.

Hag(S) 8. In the meantime, the other party, Heggadays, submitted a petition praying for the return of key and koochagolu on the ground that the pooja had been stopped in the temple from the time they were deprived of the same.

9. On perusal of the records, it was found that before the present dispute arose, the possession of the key and koochagolu vested in the hands of poojaries Chikdodiah and others. Accordingly, an ad interim order was issued that the key and koochagolu should be returned to the Pujaries Chikdodiah and others for the present, pending final disposal of the case after regular enquiry.

15-12-09) Hag R.

10. The Sub-Division Officer now reports that the records of 1897 are mislaid and submits an extract of Amildar's report No.388 dated the 8th February 1897 from which it will be seen that the dispute for temple kak arose so far back as 1897 ---- between Vakkaligas and Heggadays, that to prevent a breach of peace, the then Amildar obtained the key from the Vakkaligars and locked the door of the temple directing both parties to produce the documents in their possession to support their claim. On perusal of the documents produced by the contending parties, the Amildar ordered that they should establish their kak in a

Hag(A)

Civil

Civil Court. In the meanwhile, he made over the keys temporarily to the Somavara pujaries and directed that each set of poojaries should after their turn of pooja hand over the keys to the other set. It would further appear that both Vakkaligars and Heggadays as also the Pujaries agreed to this arrangement pending the -- final decision of the case.

11. As this is not a Muzrai Institution, the parties may be left to themselves to establish their respective claims to the temple keys etc., in a competent Civil Court. The interference of the Revenue Authorities does not seem to be called for except when there is any likelihood of the breach of the peace.

I have the honor to be,

S i r,

Your most obedient servant,

DEPUTY COMMISSIONER,

BANGALORE DISTRICT.

G.R.S. 28.]

File No. 378-09
Serial No. 8

Diary No. of letter replied to

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
( )

the 19

Date of issue 30.7.10.

Signed by Mr A S

READ—

Petition Regd. No. 1210 dated 30th December 1909, from Kulagal Gowda of Settikalli, appealing against the Bangalore Deputy Commissioner's order directing that the Key and Kuchagolu of the

ORDER THEREON.—No.

Beere Devaru temple at Devarahalli, Channapatna Taluk, should be given to the Pujari, Chicka Boddaiya.

Petition Regd. No. 1237 dated 4th January 1910, from Chicka Boddaiya, opposing the above

over

SUBJECT.

GPB—5,000—7-5-09

Petition.

Letter No. 52 dated 1st June 1910, from the Dy Commissioner, Bangalore Dt. submitting a report with records relating to the case

order thereon at No. 364-7 dated 3rd August 1910

The dispute between the Vokkaligars and Seggadeys for the possession of the Key and Kuchagolu of Beere Devaru temple at Devarahalli in the Channapatna Taluk, a non-Muzrai institution, is one within the cognizance of the Civil Courts. The Muzrai Department will not interfere in the matter

Draft

Dft) 13/7/1910

For offg. Secretary

The Dy. Comrs., Bangalore Dt, etc.
Copies
Dy. Comrs. of other districts.

ebs

1910-11

GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

MUZRAI

PROCEEDINGS

Dated 30th July 1910

No. $\frac{364\text{-}71}{\text{Muz. } 378\text{-}09\text{-}8}$

Passing orders regarding the dispute between the Vakkaligars and Heggadeys for the possession of the key and *kucha-golu* of Beeredevaru temple at Devara-halli in the Channapatna Taluk, a non-Muzrai institution.

GPB—6 S 10—200

Proceedings of the Government of His Highness the Maharaja of Mysore, Muzrai, dated 30th July 1910.

READ—

Petition Registered No. 1210, dated 30th December 1909, from Kutagal Gowda of Settihalli, appealing against the Bangalore Deputy Commissioner's order directing that the key and *kuchagolu* of the Beeredevaru temple at Devarahalli, Channapatna Taluk, should be given to the pujari, Chikka Doddaiya.

Petition Registered No. 1237, dated 4th January 1910, from Chikka Doddaiya, opposing the above petition.

Letter No. 52, dated 1st June 1910, from the Deputy Commissioner, Bangalore District, submitting a report with the records relating to the case.

No. 364-71—Muz. 378-09-8, DATED BANGALORE, 30TH JULY 1910.

ORDER THEREON.—The dispute between the Vakkaligars and Heggadeys for the possession of the key and *kuchagolu* of Beeredevaru temple at Devarahalli in the Channapatna Taluk, a non-Muzrai institution, is one within the cognizance of the Civil Courts. The Muzrai Department will not interfere in the matter.

for *Offg. Secy. to Govt., Gen. & Rev. Depts.*

To—The Deputy Commissioner, Bangalore District, returning records.
The Deputy Commissioners of other Districts.

Exd.—C. V.

No. 374 — Proceedings dt. 13/7/1910.

Jmr 378-09-7

[illegible]

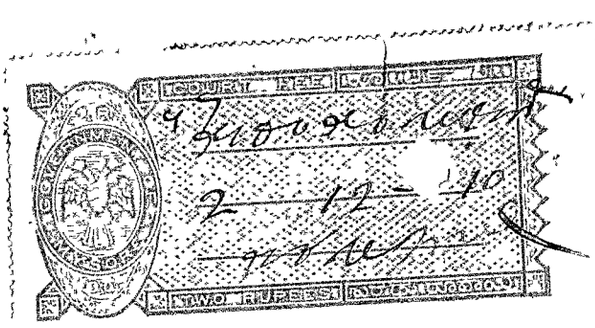
(illegible)

[illegible]

[illegible]

[illegible]

28



Certified note 2/12/1910

Before the Commissioner for Hindu Religious D 999
the Thasildar of Mysore. 378-09-19
at Bangalore.

Petitioners: 1. Elukadasdayya } Ryots of
(Appellants) 2. Kempa Heggade } Biredevaru Sanistha,
Devarabidi Channapatna
Taluk. Bangalore District.

Via Shettahalli, Channa
pura Taluk.

The petitioners beg leave to prefer this appeal against the order of the Deputy Commissioner of the Bangalore District on the following grounds.

1. The Deputy Commissioner is wrong in holding that on the authority of the proceedings referred to in his order transmitted filed, he does not interfere to direct in the petitioners the key and the administration of the said temple from the Shanbhog, which he himself originally had directed to be so restored. The said proceeding does not warrant such an order.

2 He had no jurisdiction to make the order appealed against, as he had already made an order in favour of the appellants against which the respondent went in appeal to the Government

which

which appeal ended in the Government proceedings above mentioned.

3. The said proceeding virtually dismisses the respondent's appeal, and the Deputy Commissioner should have therefore, confined himself to enforce his first order which was confirmed in appeal.

4. It is not clear under what law or authority the Deputy Commissioner has gone behind the appellate order to revise his original order. If it be considered that the present order is made on review of the original order, it is submitted that this can not be done, when that original order was not appealed against, to be reversed or executed. And, moreover, the original order was not at all made a matter for review by the Deputy Commissioner when there was an appeal with regard to the same matter on appeal.

5. As a matter of fact, there was no petition by the respondent for a review of the original order; at any rate, the appellants were not aware of it. And thus the order was passed behind the appellants' back by the Deputy Commissioner ultra vires, if it (the order) is regarded as one made on review.

6. There has been no enquiry as to how in the petition presented by the respondent to get the key and the Kuchalotu from the appellants. It is, therefore, illegal and improper that the Deputy Commissioner should prefer to the fact that they (the key and the Kuchalotu) were taken in 1897 from the respondent and given over to the appellants. That officer seems to have lost, for the

above and reason, they could not now be restored
[illegible] to the appellants. The [illegible] the circum-
stances which [illegible] to the above event in 1897 and
not been judicially considered; and a decision has not
as yet been arrived at therein as to the [illegible]
of the Respondent to have and hold the key and the
[illegible]. All the orders passed till now, are
interlocutory or intermediate orders, and they can
not be regarded as a decision on the merits.
7. As a matter of fact, however, the key and the
[illegible] were never in the possession
possession. They were with one Ramnagowda who
filed a civil suit to get possession of them from the
appellants who got them from the owners in 1897; but
the said Ramnagowda failed in that suit. Ramna-
gowda
was entrusted with possession of them as the
servant
[illegible] the [illegible] (the appellants) [illegible]. When [illegible]
was annually visited, they were [illegible]
and possession in lieu to [illegible]
the appellants. All this fact would make it
reasonable to hold that the alleged [illegible]
into the case.
7. Granting that the [illegible] and also in
the key and the [illegible] have to be and that
in that year they were taken away and restored
to the appellants, this [illegible] long
long ago barred in [illegible] such a title cannot
it is humble submitted [illegible]
decided in the lower court and not in a
summary manner.
8. Now that the [illegible] above mentioned, we would like to [illegible]

- ment with not initiate the matter in a manner as the temple, board management is not a business institution, no enquiry with can be had into the petition presented by the descendant of Hiranyagarbha the petitioner has, and no notice without any enquiry whatever whether or not he consent to it.

10. It is clear from the Proceedings that all that has up till now been done by the officers below in the present case is done without authority, and thus without jurisdiction. — Anything done without jurisdiction should be cancelled, and the old order of things should be restored; and this is, it is submitted, in accordance with justice, equity and good conscience.

11. Perhaps, the officers below were induced to act under the mistaken impression that they had authority so to interfere. When, however, that mistake is pointed out to them, it is submitted that the case is beyond jurisdiction to set right a matter which they had done by mistake. It is not for them should perpetuate that mistake, now that it is found out; it is their duty to rectify the mistake as soon as it is pointed out by an aggrieved petitioner.

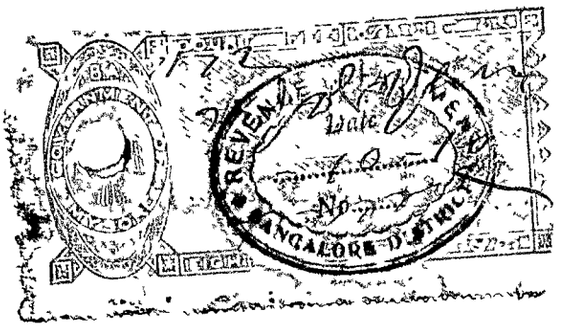
12. Thus, in the present case the status quo ante the parties with reference to the day and the Kundakola should have been restored just as it was before there was any interference with it by mistake.

13. It is submitted that, under the circumstances above stated, it is unproper to drive the petitioner to a civil suit to get back the status

[illegible] the [illegible] the [illegible] mentioned seems to indicate that the testimonial is to [illegible] estates it might be, must be recovered [illegible] of the key and the [illegible] from the appellants

4. It is submitted that the course the matter in dispute has been has caused much hardship to the appellants as he have been deprived, on no reasonable ground, the [illegible] might as well as [illegible] worshipping their [illegible] family god. The true worship [illegible] a long time [illegible] may not be necessary to their [illegible].

5. The appellant [illegible] most respectfully, and most humbly, that the matter in dispute [illegible] [illegible] [illegible] [illegible] customary manner. The [illegible] the appellants [illegible] [illegible] [illegible] [illegible]



ಚಿನ್ನಪಟ್ಟಿಣದಲ್ಲಿ ಕಲ ವರ್ಷಗಳು ಕೆಲಸ ಮಾಡಿದ ಮೇಲೆ ಬಿಡಾರ
ಕ್ಕೆಯನ್ನು ಕಟ್ಟಿಕೊಂಡು ಬಂದು ಬೆಂಗಳೂರಿನಲ್ಲಿ ಬೀಡು ಬಿಟ್ಟಿದ್ದನು. ಆಗ
ಕಾಳಿ ನದಿ ತೀರದಿಂದ ಬಂದ ಕೆಲವು ಕುಟುಂಬಗಳು ಇಲ್ಲಿ ನೆಲೆಸಿದ್ದವು.
ಇವರಲ್ಲಿ ಮಂಜಪ್ಪನವರು ಒಬ್ಬರು.

ಪ್ರಾರಂಭ ಆಯಿತು

ಮೈಸೂರು ರಾಜ್ಯವನ್ನು ಹೈದರ್ ಅಲಿಯವರು ಆಳುತ್ತಿದ್ದಾಗ ಅವರ
ದಿವಾನರಾಗಿದ್ದವರು ಪೂರ್ಣಯ್ಯನವರು. ಇವರು ಮೈಸೂರಿನಲ್ಲಿ ಅನೇಕ
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ಇವರು 1807 ರಲ್ಲಿ ಮೃತರಾದರು. ಇವರ ಕಾಲದಲ್ಲಿ ಮೈಸೂರು ರಾಜ್ಯವು
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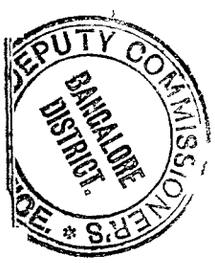
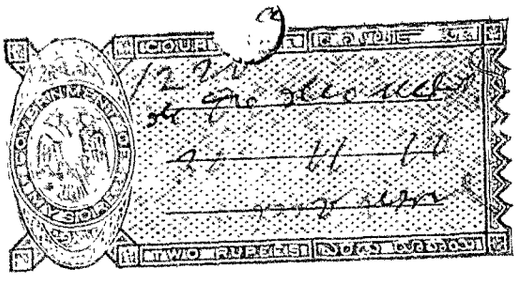


364-71
ಗಾಜು 378-04-8

ಇಲ್ಲಿಗೆ ಮಂಜಪ್ಪನವರ ಕಥೆಯು ಮುಗಿಯಿತು. ಆದ್ದರಿಂದ ಮುಂದಿನ
ಕಥೆಯನ್ನು ತಂದೆಯವರಿಂದ ತಿಳಿಯಬೇಕು. ಶುಭ ಅಸ್ತು ಮತ್ತು
ದಯವಿಟ್ಟು ಪ್ರೋತ್ಸಾಹಿಸಿ ಕಥೆಯನ್ನು ಬರೆಯಿಸಿ ಅಂಚೆಯಲ್ಲಿ ಕಳುಹಿಸಿ.

ಅನುವಾದಿಸಿದವರು - 27-4-10. (ಸಹಿ) B. J. Kumaraswamiraiah
6-10-10
ಕಂಡಿ ಪಾಯಿಂಟ್ ಕಂ 22-11-10
ಡೆಪ್ಯೂಟಿ ಕಮಿಷನರ್ - 30-11-10
" ಡಿವಿಜಿ 30-11-10
" ಸಬ್‌ರಿಜಿಸ್ಟ್ರಾರ್ 120.
" ಸ್ಟಾಂಪ್ 0-3-0
" ಪೋಸ್ಟೇಜ್ 0-0-4

" True Copy"
G. Krishnamurthy
Dist Surveyor
Bangalore Dist.



34

.....No.....of

In the Court of .....

Vs.

.....

.....

the ..... in the .....

do hereby appoint B. RAMANNA, Esq., B. A., LL. B., High Court Vakil and Advocate..... to conduct it for and on behalf and to do all the acts and appearances necessary for the same.....

In witness whereof have set hand, this.....

.....

Signature.

I certify that this Vakalatnama was signed in my presence and accept it

Advocate.

Dft as per order 25

No. 1606 Dt 20-12-1910

Mur 378 99-11

With reference to petition regd. no D. 999 dated 2? December 1910 about the Biredevaru Temple at Devarahalli in the channapatna Taluk presented on their behalf by Mr. Ramanna, Advocate, Chikka Doddiah and Kempa Heggade are informed that the order of the Dy. Commr., a copy of which has been produced by the petrs, appears to be one communicating to the Amildar the last order of Govt and not dealing with any new prayer of the parties. ~~and that~~ Mr petitn Therefore the petition is rejected.

By order

(P. T. O ers. and

ed 15/12

22/12/11

Dfd.

No 1607 dy 20-12-1910.
Copy to the Dy Comm,
Bangalore dept in conn
of G.O. no 366-71 dy
30th July 1910.

By order
Dy
Dy 12/12/1910
for Offg. Secretary.
7/12/10

No 1608
Copy to Accountant General
Dy
12/12/1910